

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Yvonne Nelson, Desmond Nelson, and)
Darius Nelson,) C.A. No.: 4:10-3020-RBH
Plaintiffs,)
vs.) **ORDER**
Sam's Club,)
Defendant)

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Neither party has filed objections to the Report and Recommendation. The Report and Recommendation was mailed to the plaintiff on April 15, 2011. Any objections were thus due on May 2, 2011. The plaintiff filed a motion for additional time and in essence requested an indefinite extension, and this Court gave her an additional two weeks until May 16, 2011 to

file objections. Plaintiff then filed a motion on May 16, 2011 for additional time for the same reasons given in the first request. Plaintiff has failed to provide sufficient reasons to justify a second extension of time. In spite of her assertion that she cannot file objections for financial reasons, she has filed two extension requests with the Court. Additionally, she states that she has new evidence but does not indicate the nature of such new evidence.

In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) stating that “in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

ORDERED that Plaintiff’s Second Motion for Extension of Time (Docket Entry # 30) is denied; Defendant’s Motion to Dismiss (Docket Entry # 7) is granted; and this case is dismissed in its entirety. All other motions are deemed moot.

IT IS SO ORDERED.

s/ R. Bryan Harwell

R. Bryan Harwell

United States District Judge

Florence, South Carolina
May 18, 2011